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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

11 GABRIEL CONTRERAS,

12 Plaintiff,

13 v.

14 FERNANDO TUVERA, et al.,

15 Defendants.  
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No. C 15-05510 EJD (PR)

**ORDER DISMISSING UNSERVED  
DEFENDANT NURSE H. HANTER**

18 Plaintiff, a state prisoner currently incarcerated at Salinas Valley State Prison  
19 (“SVSP”) in Soledad, filed this pro se civil rights action pursuant to 42 U.S.C. § 1983  
20 against SVSP officials. On March 10, 2016, the Court issued an order of service upon  
21 SVSP Defendants. (Docket No. 6.) On March 30, 2016, Litigation Coordinator G. Lopez  
22 sent a letter to the Court indicating that Defendant Nurse H. Hanter had resigned on June  
23 2, 2015, and that attempts to contact this Defendant were unsuccessful. (Docket No. 27.)  
24 On April 7, 2016, the Court issued an order directing Plaintiff to file a notice providing  
25 the Court with an accurate and current address for Defendant Nurse H. Hanter such that  
26 the Marshal could effectuate service. (Docket No. 29.) Plaintiff was advised that if he  
27 failed to provide the Court with the information requested within thirty days, that  
28 Plaintiff’s claims against this Defendant would be dismissed without prejudice pursuant

1 to Rule 4(m) of the Federal Rules of Civil Procedure. (Id. at 2.) Plaintiff has not  
2 provided the Court with the information requested.

3 Although a plaintiff who is incarcerated and proceeding in forma pauperis may  
4 rely on service by the Marshal, such plaintiff “may not remain silent and do nothing to  
5 effectuate such service”; rather, “[a]t a minimum, a plaintiff should request service upon  
6 the appropriate defendant and attempt to remedy any apparent defects of which [he] has  
7 knowledge.” Rochon v. Dawson, 828 F.2d 1107, 1110 (5th Cir. 1987). Here, Plaintiff's  
8 complaint has been pending for over 90 days, and thus, absent a showing of “good  
9 cause,” is subject to dismissal without prejudice. See Fed. R. Civ. P. 4(m).

10 Accordingly, Plaintiff's claim against Defendant Nurse H. Hanter is **DISMISSED**  
11 without prejudice. The Clerk shall terminate Defendant Nurse H. Hanter and remove this  
12 Defendant them from the Docket.

13 **IT IS SO ORDERED.**

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15 DATED: 5/13/2016

  
EDWARD J. DAVILA  
United States District Judge